

1 15. In doing so Defendant threatened Plaintiff with conduct which could not be
2 legally taken in violation of FDCPA §1692e(5).

3 16. Plaintiff never had a delinquent account with USAF.

4 17. Plaintiff has absolutely no connection to the alleged USAF obligation.

5 18. Defendant's assertion the USAF account was Plaintiff's was a material
6 misrepresentation made in violation of FDCPA §1692e. *Tourgeman v. Collins Financial*
7 *Services, Inc.*, 755 F.3d 1109, 1121 (9th Cir. 2014).

8 19. Defendant has mischaracterized the status of the USAF account in violation of
9 FDCPA §§ 1692e(2)(A) and 1692e(10).

10 20. Defendant apparently confused Plaintiff with another consumer and took no
11 preventive measures to preclude its errors. *Turner v. J.V.D.B. & Associates, Inc.*, 330 F.3d 991,
12 995-96 (7th Cir. 2003).

13 21. Thus, the natural consequence of Defendant's subsequent contacts and demand
14 was to harass, oppress and abuse Plaintiff in violation of FDCPA § 1692d. *Clark v. Capital*
15 *Credit & Collection Services*, 460 F.3d 1162, 1176 (9th Cir. 2006).

16 22. Defendant's continued phone contacts to Plaintiff, at times and at a place known
17 to be inconvenient to Plaintiff, were made in violation of FDCPA § 1692c(a)(1). *Fox v. Citicorp*
18 *Credit Services, Inc.*, 15 F.3d 1507, 1516, fn. 10 (9th Cir. 1994), *Austin v. Great Lakes*
19 *Collection Bureau, Inc.*, 834 F. Supp. 557, 559 (D. Conn. 1993).

20 23. Defendant's repeated recalls to Plaintiff constituted harassment in violation of
21 FDCPA §§ 1692d and 1692d(5). *Fox v. Citicorp Credit Services, Inc.*, 15 F.3d 1507, 1516 (9th
22 Cir. 1994), *Bingham v. Collection Bureau, Inc.*, 505 F. Supp. 864, 873 (1981), *Kuhn v. Account*
23 *Control Technology, Inc.*, 865 F. Supp. 1443, 1452-53 (D. Nev. 1994).

24 24. Plaintiff has suffered emotional distress as a result of Defendant's conduct.
25 *McCullough v. Johnson, Rodenburg & Lauinger, LLC*, 637 F.3d 939, 957 (9th Cir. 2011).

26 25. The foregoing acts and omissions of Defendant were undertaken by it willfully,
27 maliciously, and intentionally, knowingly, and/or in gross or reckless disregard of the rights of
28 Plaintiff.

1 26. Indeed, the foregoing acts and omissions of Defendant were undertaken by it
2 indiscriminately and persistently, as part of its regular and routine debt collection efforts, and
3 without regard to or consideration of the identity or rights of Plaintiff.

4 27. As a proximate result of the foregoing acts and omissions of Defendant, Plaintiff
5 has suffered actual damages and injury, including, but not limited to, stress, humiliation, mental
6 anguish and suffering, and emotional distress, for which Plaintiff should be compensated in an
7 amount to be proven at trial.

8 28. As a result of the foregoing acts and omissions of Defendant, and in order to
9 punish Defendant for its outrageous and malicious conduct, as well as to deter it from
10 committing similar acts in the future as part of its debt collection efforts, Plaintiff is entitled to
11 recover punitive damages in an amount to be proven at trial.

12
13 CAUSES OF ACTION

14 COUNT I

15 29. The foregoing acts and omissions of Defendant constitute violations of the
16 FDCPA, including, but not limited to, Sections FDCPA §§ 1692c, 1692d, 1692e, 1692f and
17 1692g.

18 30. Plaintiff is entitled to recover statutory damages, actual damages, reasonable
19 attorney's fees, and costs.

20
21 COUNT II

22 31. The foregoing acts and omissions constitute unreasonable debt collection
23 practices in violation of the doctrine of Invasion of Privacy. *Kuhn v. Account Control*
24 *Technology, Inc.*, 865 F. Supp. 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*
25 *Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

26 32. Plaintiff is entitled to recover actual damages as well as punitive damages in an
27 amount to be proven at trial.
28

JURY DEMANDED

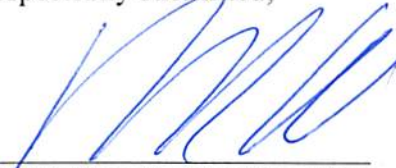
Plaintiff hereby demands trial by a six-person jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

1. Award actual damages.
2. Award punitive damages.
3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
4. Award reasonable attorney fees.
5. Award costs.
6. Grant such other and further relief as it deems just and proper.

DATED: January 23, 2018

Respectfully submitted,



MITCHELL D. GLINER, ESQ.
Nevada Bar #003419
3017 W. Charleston Blvd., #95
Las Vegas, NV 89102
Attorney for Plaintiff

Payment Address:

Pioneer Credit Recovery, Inc.
P.O. Box 158
Arcade, NY 14009



Credit Recovery, Inc.

26 EDWARD STREET, ARCADE, NY 14009

Phone: 1-877-907-1804

Fax: 1-877-653-2839

Hours of Operation: EST/EDT

Mon-Thursday 8:00A.M. – 9:00P.M.

Friday 8:00A.M. – 5:00P.M.

Saturday 8:00A.M. – 12:00P.M.

Correspondence Address:

Pioneer Credit Recovery, Inc.
P.O. Box 20
Perry, NY 14530

Reference # 11804089

Client: United Student Aid Funds Inc

Total Current Balance: \$133.08

10/17/2017

DEFAULTED LOANS

Dear STEVE SCHNEIDER:

Your federal student loan(s) is currently in default. Your guarantor, United Student Aid Funds Inc, was required to purchase the account from your lender under the terms of the guarantee agreement. Since your loan(s) is in default, it has been placed with our agency, Pioneer Credit Recovery, Inc for collection. Interest accrues daily on your past due account(s). To resolve your obligation, call us at 1-877-907-1804.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Failure to pay the account in full, agree to a satisfactory repayment arrangement, or otherwise resolve the matter may result in additional collection efforts, including:

- Evaluating your eligibility for administrative wage garnishment.
- The government may divert your Federal and/or State tax return to pay this debt through tax offset.
- Assigning your loan(s) to the U.S. Department of Education for collection.

This is an attempt, by a debt collector, to collect a debt, and any information obtained will be used for that purpose.

PLEASE SEE NEXT PAGE FOR IMPORTANT INFORMATION.

✕ PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU! ✕

Please see next page if you would like to pay by credit card or pay online <http://myaccount.pioneercreditrecovery.com>

1803 Rocky River Road North
Monroe, NC 28110

Borrower: STEVE SCHNEIDER

Reference#: 11804089

Total Current Balance: \$133.08

Please call us if you have a new address or telephone number.

01500

Pioneer Credit Recovery, Inc.

P.O. Box 158

Arcade, NY 14009

169967 1018 000753 001563 000001/000002 44051

STEVE V SCHNEIDER
12 QUAIL RUN RD
ENDERSON, NV 89014

EXHIBIT 1